

EXHIBIT H

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

STEPHEN MELISE,
Plaintiff

v.

PATRICIA COYNE-FAGUE, in her official
capacity as Director of the Rhode Island Department
of Corrections; *ET AL.*,
Defendants

C.A. No. 1:17-cv-00490-MSM-PAS

AFFIDAVIT OF PAULINE M. MARCUSSEN, DHA, RHIA, CCHP

I, Pauline M. Marcussen, in my official capacity as the Administrator of Healthcare Services at the Rhode Island Department of Corrections ("RIDOC"), being duly sworn upon oath, do hereby depose and state as follows:

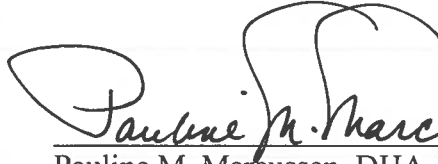
1. I am a Registered Health Information Administrator and a Certified Correctional Health Professional. I am actively credentialed.
2. I am currently employed as the Administrator of Healthcare Services for RIDOC. Prior to my current position, I served as the Interdepartmental Project Manager for Medical Records and Medical Claims for RIDOC.
3. In my current position, I am familiar with the Electronic Medical Records system ("EMR"), as well as Policy 18.22 DOC, titled "Inmates and Visitors with Special Needs" and the procedure established between RIDOC security and medical personnel to process inmates' special needs accommodations requests at the Adult Correctional Institutions, John J. Moran Medium Security Facility ("Medium Security"). My knowledge of the Electronic Medical Records system and Policy 18.22 includes the years 2014-2017.

4. In 2014 through 2017, an inmate's request for reasonable accommodation may be initiated in either of two ways: (1) by the inmate personally submitting a special needs accommodation request form to a staff official; or (2) by a prescription order from a RIDOC medical provider.
5. If a RIDOC medical provider prescribes a special needs accommodation on behalf of an inmate, the treating provider must enter a prescription order into the inmate's medical record within RIDOC's EMR. *Exhibits 1–12* attached hereto are prescription orders entered into the EMR.
6. To ensure compliance with the Health Information Portability and Accessibility Act, 45 C.F.R. § 162, *et seq.*, (“HIPAA”) and the Rhode Island Confidentiality of Health Care Communications and Information Act, R.I. Gen. Laws § 5-37.3-3 (“RICHI”), RIDOC security personnel, as well as prison administrative/operational staff, do not have access to the EMR.
7. Because RIDOC security personnel cannot view a prescription order entered into the EMR, and do not have access to the EMR, a RIDOC medical provider must print an “administrative note” containing the prescription order to serve as the special needs accommodation request.
8. When an administrative note is printed, it will contain any special needs prescription orders entered in the EMR for that inmate that are not expired (*i.e.*, the stop date has not yet lapsed) or manually removed from the EMR by a RIDOC medical provider. Expired special needs prescription orders are automatically removed.
9. Once a RIDOC Medical provider prints special needs accommodation request, *i.e.*, the administrative note, the provider must then physically deliver the paper copy to a mailbox for the Facility ADA Coordinator to review. *Exhibits 13–20* attached hereto, are printed “administrative notes” submitted as special needs accommodation requests.
10. The Facility ADA Coordinator, generally a deputy warden, will then review the printed special needs accommodation requests, *i.e.*, the administrative notes, within a reasonable time and

either grant, modify, ask for more information, or deny the request by indicating so on the paper copy and sending it to the inmate and/or back to the medical provider.

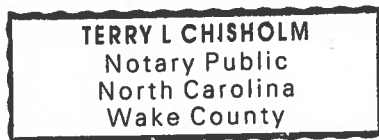
11. Unless printed, the prescription orders, *Exhibits 1–12*, would not be accessible or known to prison administrative or operational staff but rather would only be accessed through the EMR. If a prescription order is printed, it is designated as an “Administrative Note” and can be physically forwarded to prison administrative or operational staff. The “Administrative Notes” are attached to this affidavit as *Exhibits 13–20*. Because prison operational or administrative staff do not have access to the EMR, non-health care staff must be made aware of the prescription order through the printing of an “Administrative Note.”
12. All the facts and opinions stated herein are true and correct to the best my knowledge and belief.

Signed under the pains and penalties of perjury this 16th day of September, 2022.


Pauline M. Marcussen, DHA, RHIA, CCHP
Administrator of Healthcare Services
Rhode Island Department of Corrections

Subscribed and sworn to before me on this 16th day of September 2022, in the

**STATE OF NORTH CAROLINA,
WAKE COUNTY**





Notary Public
Print Name: Terry L Chisholm
Notary ID#:
My Commission Expires: May 17, 2027

EXHIBIT 1

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 8, 2018

Page 1

Special Needs

STEPHEN MELISE

Male

083812

11/12/2014 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

[REDACTED]

Special Needs/Urgent Orders

Order Reason Start Date Stop Date Ordered By

Bottom bunk neck pain 11/12/2014 02/12/2015 Marianne Warren NP

EXHIBIT 2

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 8, 2018

Page 1

Special Needs

STEPHEN MELISE

083812

02/09/2015 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order Reason Start Date Stop Date Ordered By

Bottom bunk neck pain 11/12/2014 06/12/2015 Marianne Warren NP

EXHIBIT 3

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018

Page 1
Special Needs

STEPHEN MELISE

Male

083812

06/09/2015 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order Reason Start Date Stop Date Ordered By

Bottom bunk neck pain 11/12/2014 12/12/2015 Marianne Warren NP

EXHIBIT 4

Medium Moran Security
51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018
Page 1
Special Needs

STEPHEN MELISE

Male

083812

11/12/2015 - Special Needs: RIDOC_special_needs
Provider: NextGen Migration
Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2015	Marianne Warren NP

EXHIBIT 5

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018

Page 1

Special Needs

STEPHEN MELISE

Male [REDACTED]

083812

11/20/2015 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

[REDACTED]

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP

EXHIBIT 6

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018

Page 1

Special Needs

STEPHEN MELISE

Male [REDACTED]

083812

12/21/2015 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

[REDACTED]

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP

EXHIBIT 7

Medium Moran Security
51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018
Page 1
Special Needs

STEPHEN MELISE

Male

083812

06/21/2016 - Special Needs: RIDOC_special_needs
Provider: NextGen Migration
Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812



Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP
Bottom bunk	falls	06/21/2016	06/21/2017	Marianne Warren NP

EXHIBIT 8

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018

Page 1

Special Needs

STEPHEN MELISE

Male

083812

06/28/2016 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP
Bottom bunk	falls	06/21/2016	06/21/2017	Marianne Warren NP
Bottom bunk	falls, ?apnea	06/28/2016	09/28/2016	Christopher Salas MD

EXHIBIT 9

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018

Page 1

Special Needs

STEPHEN MELISE

Male

083812

09/08/2016 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP
Bottom bunk	falls	06/21/2016	06/21/2017	Marianne Warren NP
Bottom bunk	falls, ?apnea	06/28/2016	09/28/2016	Christopher Salas MD

EXHIBIT 10

Medium Moran Security
51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018
Page 1
Special Needs

STEPHEN MELISE

Male

083812

11/11/2016 - Special Needs: RIDOC_special_needs
Provider: NextGen Migration
Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	falls from sleep problem	11/11/2016	11/10/2017	Christopher Salas MD
Bottom tier	crutches for broken ankle	11/11/2016	03/10/2017	Christopher Salas MD

EXHIBIT 11

Medium Moran Security

51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018

Page 1

Special Needs

STEPHEN MELISE

Male

083812

12/13/2016 - Special Needs: RIDOC_special_needs

Provider: NextGen Migration

Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812



Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	falls from sleep problem	11/11/2016	11/10/2017	Christopher Salas MD
Bottom tier	crutches for broken ankle	11/11/2016	03/10/2017	Christopher Salas MD
CPAP	sleep apnea	12/13/2016	06/13/2017	Jennifer Clarke MD

EXHIBIT 12

Medium Moran Security
51 West Road Cranston, RI 02920
(401) 462-1971 Fax: (401) 462-2265

January 3, 2018
Page 1
Special Needs

STEPHEN MELISE

Male

083812

06/07/2017 - Special Needs: RIDOC_special_needs
Provider: NextGen Migration
Location of Care: Fusion - GE Healthcare

NAME: MELISE, STEPHEN

ID #: 083812



Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
CPAP	sleep apnea	12/13/2016	06/13/2017	Christopher Salas, M.D.
Bottom bunk	falls from sleep problem	06/07/2017	06/07/2018	Christopher Salas, M.D.

EXHIBIT 13

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Marianne Warren NP 11/12/2014 9:13 AM

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order

Bottom bunk

Reason

neck pain

Start Date

11/12/2014

Stop Date

02/12/2015

Ordered By

Marianne Warren NP

Need more info?

*Approved
Deputy McCaughy
11/19/14*

*Severe pain
osteoarthritis*

*with
neck on x-ray
11-17-2014*

NAME: MELISE, STEPHEN
NUMBER: 083812

EXHIBIT 14

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Marianne Warren NP 02/09/2015 10:24 AM

NAME: MELISE, STEPHEN

ID #: 083812
[REDACTED]

Special Needs/Urgent Orders

Order

Bottom bunk

Reason

neck pain

Start Date

11/12/2014

Stop Date

06/12/2015

Ordered By

Marianne Warren NP

need more info

02-02-2015

NAME: MELISE, STEPHEN
NUMBER: 083812
[REDACTED]

EXHIBIT 15

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Marianne Warren NP 06/09/2015 11:17 AM

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order

Bottom bunk

Reason

neck pain

Start Date

11/12/2014

Stop Date

12/12/2015

Ordered By

Marianne Warren NP

more info?

*Denial
Deputy Wm Coughlin
6/9/15*

*Marianne Warren
6-12-2015
Osteoarthritis neck
Acute pain*

*Marianne Warren
06-09-2015*

NAME: MELISE, STEPHEN

NUMBER: 083812

EXHIBIT 16

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Marianne Warren NP 12/21/2015 11:50 AM

NAME: MELISE, STEPHEN

ID #: 083812



Special Needs/Urgent Orders

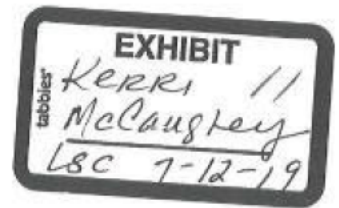
Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP

*Denise
Deputy McCauley
12/22/15*

NAME: MELISE, STEPHEN

NUMBER: 083812

EXHIBIT 17



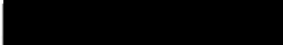
DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Mel White, RN 09/08/2016 9:34 AM

NAME: MELISE, STEPHEN

ID #: 083812



Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	neck pain	11/12/2014	12/12/2016	Marianne Warren NP
Bottom bunk	falls	06/21/2016	06/21/2017	Marianne Warren NP
<u>Bottom bunk</u>	falls, ?apnea	06/28/2016	09/28/2016	Christopher Salas MD

Approved
Deputy McCaughey
9/21/16

Marianne Warren
9-19-2016

NAME: MELISE, STEPHEN
NUMBER: 083812

EXHIBIT 18

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Christopher Salas MD 11/11/2016 1:08 PM

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	falls from sleep problem	11/11/2016	11/10/2017	Christopher Salas MD
Bottom tier	crutches for broken ankle	11/11/2016	03/10/2017	Christopher Salas MD

3/18/17
Approved
Dyann McCarley
11/17/16
X When ~~Strother~~
broken ankle
healed. - bottom
bunk exposed
as well

NAME: MELISE, STEPHEN

NUMBER: 083812

EXHIBIT 19

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Mel White, RN 12/13/2016 2:27 PM

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
Bottom bunk	falls from sleep problem	11/11/2016	11/10/2017	Christopher Salas MD
Bottom tier	crutches for broken ankle	11/11/2016	03/10/2017	Christopher Salas MD
CPAP	sleep apnea	12/13/2016	06/13/2017	Jennifer Clarke MD

Approved
D. McCarty
12/14/16

NAME: MELISE, STEPHEN

NUMBER: 083812

EXHIBIT 20

DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE NOTE

SITE: MD1 Medical Clinic

COMPLETED BY: Mel White, RN 06/07/2017 8:52 AM

NAME: MELISE, STEPHEN

ID #: 083812

Special Needs/Urgent Orders

Order	Reason	Start Date	Stop Date	Ordered By
CPAP	sleep apnea	12/13/2016	06/13/2017	Christopher Salas, M.D.
Bottom bunk	falls from sleep problem	06/07/2017	06/07/2018	Christopher Salas, M.D.

Approved
Dee RB
6/8/17

NAME: MELISE, STEPHEN
NUMBER: 083812